

CITY OF HORSESHOE BAY, TEXAS

**EXTENSION OF
TEMPORARY MORATORIUM ON NEW CONSTRUCTION
ZONES 13 & 14**

ORDINANCE NO. ORD 07-04-17A

AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS, EXTENDING THE TEMPORARY MORATORIUM SOLELY FOR ZONES 13 AND 14 WITHIN THE CITY LIMITS ADOPTED ON APRIL 27, 2006 BY ORDINANCE NO. ORD 06-04-27 WHICH PROVIDES FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF SUBDIVISION PLATS, PLAT AMENDMENTS, REPLATS, SITE DEVELOPMENT PERMITS, AND REZONING REQUESTS FOR NEW CONSTRUCTION THEREIN FOR COMMERCIAL, RESORT, RECREATIONAL OR RESIDENTIAL PURPOSES; MAKING FINDINGS OF FACT, AND PROVIDING FOR SEVERABILITY; EFFECTIVE DATE; DURATION; ENFORCEMENT, INCLUDING CRIMINAL FINES AND CIVIL PENALTIES;

WHEREAS, by Ordinance No. ORD 06-04-07, adopted on April 27, 2006, the City Council established a temporary moratorium on the acceptance, review and approval of subdivision plats, plat amendments, replats, site development permits, and rezoning requests for new construction therein in order to protect the *status quo* in Zones 13 & 14; and

WHEREAS, said temporary moratorium was the subject of a public hearing on August 22, 2006, and was extended until December 27, 2006 by Ordinance No. ORD 06-08-22C; and

WHEREAS, said temporary moratorium was the subject of a public hearing on December 12, 2007, and was extended until April 26, 2007 by Ordinance No. ORD 06-12-12F; and

WHEREAS, the owners of Zones 13 & 14 do not object to an additional extension of the moratorium; and

WHEREAS, a public hearing was held on April 17, 2007 to consider whether such temporary moratorium should be extended, after which the City Council voted to extend the moratorium until August 24, 2007;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

1. FINDINGS OF FACT

The foregoing findings of fact are hereby approved and incorporated herein for all purposes.

Further, the City Council finds that:

- a. Zones 13 and 14, being the Cap Rock Zone and the HSB Boulevard Corridor Zone, respectively, are unique zones within the City, being commonly referred to as the "Resort," being areas around which the community and City of Horseshoe Bay were founded, and being areas which the citizens of Horseshoe Bay hope to see develop in the same high quality manner as they have heretofore developed;
- b. Zones 13 and 14 are not subject to the restrictive covenants of any existing subdivision whereas the majority of the other zones within the City are subject to such restrictions, meaning that there is a perception that fewer safeguards exist to protect the high quality of development within those zones;
- c. The Caprock Zone is an unimproved property near the Caprock Clubhouse, and a multi-family project is being considered for this property. The HSB Boulevard Corridor Zone contains Club and Resort facilities, the Marriott Hotel, a marina and other improvements and substantial property that is unimproved or may be redeveloped. However, the plans for development in both zones are still under consideration and have not been finalized;
- d. Since enactment of the temporary moratorium the City Council has adopted a zoning ordinance and a building permit ordinance but is still in the process of drafting and enacting a subdivision ordinance that will apply to the entirety of the City and which is intended to provide further land use stability where the same may be lacking in Zones 13 and 14, but the City Council needs additional time to complete such regulations and ordinances;
- e. Representatives of the City Council have met and will continue to meet with principal developers and land owners in Zones 13 and 14 to engage in discussions that may lead to a Planned Development District, but both the City Council and the developers and land owners need additional time to conduct such discussions and determine if a Planned Development District is in the best interest of the City, and the developers and owners of Zones 13 and 14 do not object to an additional extension of the moratorium; and
- f. Additional time is needed and the Temporary Moratorium should be extended to allow the City Council time to both develop further suitable land use regulations and to work with the principal developers and land owners in Zones 13 and 14 in order to ensure that the development in Zones 13 and 14 fulfills the goals of such developers and land owners and is in the interest of the City.

2. EXTENSION OF MORATORIUM

The temporary moratorium is hereby extended for an additional 120 days from April 26, 2007, or until August 24, 2007.

3. SEVERABILITY

The phrases, sentences, paragraphs and sections of this Ordinance are severable. If any phrase, sentence, paragraph or section of this Ordinance is declared unconstitutional or ineffective, such unconstitutionality or ineffectiveness shall not affect the remaining phrases, sentences, paragraphs or sections of this Ordinance and the remainder of this Ordinance shall be enforced as written.

PASSED AND ADOPTED this, the 17th day of April, 2007 by the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

ATTEST:

/S/

Toni Vanderburg, City Secretary